

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RUSSELL BROOKS,	)	
	)	2:06cv810
Plaintiff,	)	Electronic Filing
	)	
v.	)	
	)	
CITY OF UNIONTOWN,	)	Judge David S. Cercone
DONALD GMITTER, JONATHAN	)	Magistrate Judge Lisa Pupo Lenihan
GRABIAK, and MICHAEL GARROW,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiff's Complaint was filed by the Clerk of Court on June 23, 2006, and was referred to United States Magistrate Judge Lisa Pupo Lenihan in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (Document No. 37) filed on May 28, 2008, recommended that the Motion for Summary Judgment filed by Defendants (Document No. 27) be granted. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, that they had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following Order is entered:

*th*  
AND NOW, this 20 day of June, 2008;

**IT IS HEREBY ORDERED** that Defendants' Motion for Summary Judgment (Document No. 27) is GRANTED.

**IT IS FURTHER ORDERED** that the Report and Recommendation (Document No. 37) of Magistrate Judge Lenihan, dated May 28, 2008, is adopted as the Opinion of the Court.

*DSC* Cercone

David Stewart Cercone  
United States District Judge

cc: Honorable Lisa Pupo Lenihan  
United States Magistrate Judge

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